

US DISTRICT COURT
DISTRICT OF NEW JERSEY
LAW DIVISION - MERCER COUNTY
CASE NO:

ORIGINAL

STATE TROOPERS FRATERNAL : COMPELLED
ASSOCIATION OF NEW JERSEY, : INTERVIEW OF:
INC., :
: CHRISTOPHER BURGOS
PLAINTIFF, :
: vs. :
: STATE OF NEW JERSEY, :
SUPERINTENDENT OF THE NEW
JERSEY STATE POLICE JOSEPH
R. FUENTES, IN HIS
OFFICIAL CAPACITY,
DEFENDANT.

TRANSCRIPT of the stenographic notes of the
proceedings taken in the above-entitled matter, as
taken by GINA BIALAS, a Certified Court Reporter and
Notary Public of the State of New Jersey, at the Office
of Law Enforcement Professional Standards, 810 Bear
Tavern Road, Suite 310, Ewing, New Jersey, on February
26, 2013, commencing at 10:10 a.m.

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A P P E A R A N C E S

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ON BEHALF OF THE DEFENDANTS

OFFICE OF LAW ENFORCEMENT PROFESSIONAL

STANDARDS

BY: MANUEL QUINOA

CHIEF STATE INVESTIGATOR

DSG FIRST CLASS WILLIAM HARKNESS

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JOHN F. TRAINOR, INC.
BY: GINA BIALAS
CERTIFIED COURT REPORTER
LICENSE NO.: XI0-1611

1 MR. HARKNESS: Right now I am showing
2 Trooper Burgos the Reportable Incident Form of the
3 SP-525. That document is on behalf of the actual
4 allegation that came into OPS. I believe the date is
5 October 18th for that particular document.

6 MR. RIZZO: Mike, do you want to mark
7 these and attach them?

8 MR. HARKNESS: I would prefer that
9 everybody who looks at them, I'm going to sign, he's
10 going to sign, everybody else would at least apply
11 their initials if that's okay.

12 MR. RIZZO: Well, yes. I am thinking in
13 general terms like when we do depositions, as you show
14 him something it gets marked for identification
15 purposes for the record so that when it is discussed or
16 referred to it has a specific destination. Is that
17 okay with you, Mike, if we do that as he goes along?

18 MR. BUKOSKY: Do you want to mark them as
19 exhibits?

20 MR. RIZZO: Yes. And attach them to the
21 court reporter's transcript.

22 MR. BUKOSKY: I think that's fine. And I
23 definitely think starting out, we are on the record
24 now, that we should indicate the date and who is in the
25 room.

1 MR. HARKNESS: I will do that. When I go
2 on the digital recording, we are going to do all that.

3 MR. BUKOSKY: And, I guess, I will mark
4 this as Exhibit A.

5 MR. RIZZO: Well, are you going to show
6 him these once the official --

7 MR. HARKNESS: Yes.

8 MR. BUKOSKY: I am looking at right now a
9 form called New Jersey State Police Office of
10 Professional Standards Principal Acknowledgment Form
11 that Officer Burgos was requested to execute which is
12 the standard form.

13 I would just have two comments. One is
14 that, one portion of it indicates that the contents of
15 this investigation will not be disclosed to anyone. We
16 sort of have a unique case here because it is being
17 transcribed and that transcription is intended to be
18 part of that federal case so I think it is understood
19 that disclosing it in the context of that federal case
20 is not a violation of this agreement.

21 And also that if there is some concerns or
22 something like that, we can obviously address that
23 within the context of the federal proceeding.

24 Also, I would note that the form indicates
25 that Officer Burgos would be advised as to the specific

1 nature of the complaint so I would imagine that will
2 happen.

3 MR. RIZZO: Yes. I have no problem with
4 any of that. I wouldn't want to have the Weingarten
5 Form act as any way to try and prevent any disclosures
6 that you said should be part of the federal case. I
7 have no problem with anything that you stated. If, in
8 fact, this goes on and more documents are needed or
9 requested, our normal routine is to enter into a
10 confidentiality agreement where the specifics are laid
11 out and signed by the Court so documents can be
12 exchanged that would not ordinarily be subject to
13 public disclosure. So that's another way of taking
14 care of it if the proceeding continues on for some
15 reason beyond this, the initial show of cause.

16 MR. HARKNESS: 525, you're satisfied with
17 that, sir? Did you get a chance to review it?

18 MR. BUKOSKY: You're asking me if I
19 reviewed it? Yes. I have reviewed it.

20 MR. HARKNESS: Anybody else would like to
21 see the 525?

22 MR. RIZZO: I would.

23 MR. HARKNESS: I'm now presenting Trooper
24 Burgos with his Letter of Declination received from the
25 Division of Criminal Justice. It's dated February 7th,

1 2013. It identifies Trooper Burgos as the principal.
2 The allegation that was reviewed was for theft. I have
3 to put on the record that this particular Letter of
4 Declination has an incorrect Internal Affairs' case
5 number. It is identified as 2011-0361. The case in
6 question here is 2011-0596. Any questions?

7 MR. BUKOSKY: No.

8 MR. HARKNESS: Would anybody else like to
9 review the document? No. I am now presenting Trooper
10 Burgos with a New Jersey State Police Office of
11 Professional Standards Material Witness Notification
12 List for Principals. It is case 2012-0596. Would you
13 mind initialing that, sir.

14 MR. BUKOSKY: Am I getting copies of all
15 these documents?

16 MR. HARKNESS: Not through me per se but
17 maybe you can request it through him.

18 MR. RIZZO: Send me a letter telling me
19 specifically what it is you want then I don't see why
20 not. It's all part of the same thing. It has to go
21 before the Judge. Some of it may wind up being
22 attachments so...

23 MR. HARKNESS: I am now presenting the
24 Weingartner Representative Acknowledgment Form to your
25 attorney for him to review and sign. I am now

1 presenting a copy of an E-Mail correspondence from
2 Katherine Hartman sent on Thursday, August 16th, 2012,
3 at 9:56 a.m. to three E-Mails. The one in question
4 here, the one relevant here is the one identified as
5 Chris Burgos cburgos@staf.org. The subject is FW as in
6 forward Freites extension. I am going to present this
7 to Trooper Burgos for his review.

8 MR. BUKOSKY: I just make a note for the
9 record. At this point it seems like we are going to
10 start with the substantiative aspects of the interview
11 here.

12 MR. HARKNESS: No, sir. I'm not asking a
13 thing until I go on the digital recorder. I am
14 allowing him to review some documents and you to and
15 anyone else who would like to see them.

16 MR. BUKOSKY: Okay.

17 MR. HARKNESS: Any questions about that?

18 MR. BURGOS: No.

19 MR. HARKNESS: Anybody else?

20 MR. RIZZO: No.

21 MR. HARKNESS: I am now providing Trooper
22 Burgos with a copy of the State New Jersey Office of
23 Administrative Law Board of Extension. It is OAL
24 Docket Number POLO1779-12S just for his review. Any
25 questions, sir?

1 MR. BURGOS: No.

2 MR. HARKNESS: I am now presenting Trooper
3 Burgos with a copy of the New Jersey State Police
4 Internal Investigation Review Sheet for case 2009-0354.
5 It is an eight-page document. It does have some
6 redactions in it. If it was completely redacted it
7 would be completely marked. So I tried to be somewhat
8 commonsensical about what was redacted for review. Any
9 questions?

10 MR. BURGOS: No.

11 MR. HARKNESS: That's all I have as far as
12 documents to review. Prior to going on the digital
13 recorder, I would like to offer the opportunity, what I
14 like to do in my Internal Affairs interview, is to
15 offer the opportunity to dialogue about this matter.
16 You're sitting here before us for the allegation of
17 unauthorized release of information and failure to
18 disclose to the Division information that would be
19 important to the Division. So I am offering the
20 opportunity to you before we go officially on the
21 record to discuss any of that at all.

22 MR. BURGOS: I have nothing.

23 MR. HARKNESS: Okay.

24 MR. BUKOSKY: The only thing I would
25 indicate initially before we get into the

1 substantiative review is that, I just want to make sure
2 that we understand and the record reflects that Officer
3 Burgos here is under orders to submit to this interview
4 today. I wanted that to be made perfectly clear
5 because if he is not being ordered, then we
6 respectfully decline to be here. I think that needs to
7 be definitely clarified because we understand him to be
8 ordered to be here.

9 We would also note that because of the
10 nature and scope of the investigation as described so
11 far, we would understand the subject matter to be
12 routine union activity concerning his representation of
13 members in disciplinary cases which are routine events.
14 Because of that, we would understand the entirety of
15 the investigation to be privileged either under the
16 attorney-client privilege or the Freedom of Association
17 First Amendment Rights not to disclose that type of
18 information.

19 I would also note that because this,
20 matter appears to be under the continued criminal
21 review, that certain Fifth Amendment Rights would be
22 applicable to this particular proceeding and because he
23 is being ordered directly under pain of dismissal to
24 provide these statements, we would understand any and
25 all of his statements to be protected under the Fifth

1 Amendment.

2 MR. RIZZO: First, I hope I don't leave
3 anything out, when you say ordered to be here, are you
4 talking about order of the Court pursuant to the Order
5 to Show Cause that you filed and/or order of the State
6 Police to participate in an internal investigation?

7 MR. BUKOSKY: Order of the State Police,
8 his employer.

9 MR. RIZZO: Okay. There also is an order
10 by the Court as a result of the hearing that was
11 initiated by Judge Sheraton in response to your Order
12 to Show Cause that he appear and answer these
13 questions. Am I right about that?

14 MR. BUKOSKY: No. There is no such order.

15 MR. RIZZO: The Judge did not order him to
16 appear to submit to the questioning?

17 MR. BUKOSKY: No. The only thing the
18 Judge declined was to enjoin this interview. There is
19 no order that he must attend by the Court.

20 MR. RIZZO: Now, the second thing is, you
21 said something about the confidentiality of the
22 investigation, the normal confidentiality attached to
23 an OPS investigation. I don't see any reason why that
24 would change other than the fact that there is a
25 federal action which you filed so obviously some things

1 are going to be public record because your Order to
2 Show Cause was filed, your verified complaint was
3 filed. There will be Court hearings which will be
4 necessarily of a public record. So to the extent that
5 the two intertwine, there is going to be some public
6 revelation as a matter of course. So I don't want that
7 to be confused or to be held against the State Police
8 because they are responding in a public forum to a
9 legal proceeding that you filed. Am I in error in
10 anything?

11 MR. BUKOSKY: No. I think we should
12 consult to make sure that the confidentiality of this
13 process continues to be ensured for both sides. So
14 nothing foolish should be done and while I respect the
15 confidentiality of this proceeding and with respect to
16 Officer Burgos as well as the State Police. We will
17 take whenever actions we need to do, you and I, to make
18 sure that we don't infringe upon that in any way.

19 MR. RIZZO: And I don't have any problem
20 with that and I know that Trooper Burgos and yourself
21 are aware that OPS internal proceedings are
22 confidential by SOP and probably other applicable laws
23 too. It's not like anybody is going to be going and
24 broadcasting what's going on here at least from that
25 perspective. All right?

1 MR. BUKOSKY: Correct.

2 MR. RIZZO: The other thing that struck me
3 was you indicated that there are still a criminal
4 investigation going on?

5 MR. BUKOSKY: Yes. I was referred to a
6 letter, and we probably should make it part of the
7 record, that indicated that there certainly was a
8 criminal investigation open concerning theft that
9 applied to this matter, that the case is still being
10 held open to see if there is any further evidence to be
11 collected concerning that open criminal investigation.

12 MR. RIZZO: Maybe I was wrong, but I
13 thought it was Declination Letter?

14 MR. HARKNESS: It's a Letter of
15 Declination.

16 MR. RIZZO: Which means that?

17 MR. HARKNESS: Its been reviewed.

18 MR. RIZZO: That CJ reviewed it and
19 declined to proceed with any kind of criminal
20 investigation concerning that particular charge.

21 MR. BUKOSKY: Well, they definitely
22 decline at the present time. However, they left the
23 window open, I guess, for anything that comes out of
24 this interview today.

25 MR. RIZZO: Based on what?

1 MR. BUKOSKY: I don't know. You have to
2 read the letter. They said if something comes up we
3 want to hear about it.

4 MR. RIZZO: Okay. In other words, if they
5 uncover different evidence, they can start a new
6 investigation. But as of February 7th, 2013, based on
7 a letter from Dermot O'Grady of the Division of
8 Criminal Justice, they declined to proceed with any
9 kind of criminal investigation. You do understand
10 that?

11 MR. BUKOSKY: I understand that. I
12 certainly don't think this is a criminal case by any
13 measure but my opinion doesn't count. Apparently
14 someone in the State believes it may be criminal in
15 nature, and in such a case we would assert our Fifth
16 Amendment Rights. However, we also understand that we
17 are being ordered today to provide a statement.

18 MR. RIZZO: Okay. I don't have any
19 dispute with that other than there is no criminal
20 investigation pending now. If he exerts his Fifth
21 Amendment Rights, we can deal with that at the time it
22 happens. I don't see that occurring but certainly he
23 is entitled to exert that privilege if he feels there
24 is criminal matters that come up in a question. I
25 don't believe this proceeding, because it clearly

1 states in the letter this is an administrative
2 proceeding, not a criminal proceeding, so I don't think
3 anything like that is going to come up. Was there
4 anything else you wanted to put on the record that you
5 discussed as a preamble before we begin?

6 MR. BUKOSKY: That's all. I just think we
7 should confirm that he's under direct orders to provide
8 this statement.

9 MR. RIZZO: Well, he is under direct
10 orders as per SOP's of the State Police. Any sworn
11 member who OPS receives a complaint about and is named
12 as a principal in an investigation, is by SOP ordered
13 to participate pursuant to his oath of office, pursuant
14 to his obligations as a State Police Officer, pursuant
15 to his obligations as a law enforcement officer he has
16 to participate. That's the rules and regulations.

17 MR. BUKOSKY: All right. So we understand
18 that he is being ordered to provide this statement and
19 that seems to be what you're telling me.

20 MR. RIZZO: Yes. Okay.

21 MR. HARKNESS: The date is February 26th,
22 2013. The time is now 10:33 a.m. My name is Detective
23 Sergeant First Class William Harkness, Badge 5355. I
24 am currently assigned to the Internal Affairs
25 Investigation Bureau, that's the Central Unit. More

1 specifically Toms River, New Jersey. I am currently
2 the Assistant Unit Head of that particular location.

3 I am sitting here at Bear Tavern, OPS Bear
4 Tavern in the more formal of the two conference rooms
5 to the back of the building. Bear Tavern is located in
6 Ewing, New Jersey and it is the headquarters of OPS.

7 The interview before me will be with
8 Trooper I Christopher Burgos, Badge 4276. He's a
9 principal regarding the internal investigation
10 2012-0596.

11 I also want to immediately put on the
12 record there is five other people here. Excuse me.
13 Four other people here besides myself and Trooper
14 Burgos and I will put them on the record momentarily.

15 EXAMINATION

16 BY MR. HARKNESS:

17
18 Q I will start with you, Trooper Burgos.
19 Can you please state your full name and spell your last
20 name, sir.

21 A Trooper I Christopher J. Burgos, B-u-r-g-o-s,
22 Badge number 4276.

23 Q And what is your age and date of birth.

24 A 49 years old. August 14th, 1963.

25 Q What New Jersey State Police Academy class

1 did you graduate?

2 A 104.

3 Q And do you recall the graduation date?

4 A June 19th, 1986.

5 Q And what is your present assignment?

6 A I am detached to the Administrative Section
7 while fulfilling my duties as the elected President of
8 the State Troopers' Fraternal Association.

9 Q And what was your assignment on August
10 16th, 2012?

11 A I believe the Human Resources Section at that
12 time before the move -- well, before the move over to
13 the Administrative Section.

14 Q You mentioned that you have a position
15 within the State Troopers' Fraternal Association. Can
16 you just identify it for the record, please.

17 A I'm Elected President of the State Troopers'
18 Fraternal Association of New Jersey which represents
19 all troopers under the rank of Sergeant in the State
20 Police.

21 Q And when were you elected to that
22 particular position, sir?

23 A January 1st of 2012.

24 MR. HARKNESS: Very good. Also in
25 attendance, I'm going to go clockwise just for the

1 record, Trooper Burgos is sitting to my left and a
2 gentleman is sitting to his left. I am going to start
3 with the gentleman sitting next to him and will ask
4 everybody in a clockwise fashion to identify
5 themselves, state their full name, spell their last
6 name, their affiliation of what agency they are with
7 and their relevance here today, please. Sir, when
8 you're ready.

9 MR. BUKOSKY: Yes. Michael Bukosky,
10 B-u-k-o-s-k-y, on behalf of Officer Burgos.

11 MR. QUINOA: Manuel P. Quinoa,
12 Q-u-i-n-o-a, Office of Law Enforcement Professional
13 Standards.

14 MR. RIZZO: Vincent J. Rizzo, Jr., Deputy
15 Attorney General, Division of Law. I am here on behalf
16 of the State Police.

17 BY MR. HARKNESS:

18
19 Q Prior to going to -- prior to me turning
20 on the digital recorder, I presented Trooper Burgos
21 with several documents for his review and his
22 attorney's review and whoever else in the room
23 requested to do so. At that time, sir, Trooper Burgos,
24 did I present you with a New Jersey State Police Office
25 of Professional Standards Principal Acknowledgment Form

1 for investigation number 2012-0596?

2 A Yes.

3 Q Do you have any questions about that, sir?

4 A No.

5 MR. HARKNESS: Sir, do you have any
6 questions about the particular document?

7 MR. BUKOSKY: No.

8 BY MR. HARKNESS:

9
10 Q Very good. Thank you. I also produced
11 or provided a document from the State of New Jersey
12 Division of Law and Public Safety, Division of Criminal
13 Justice dated February 7th, 2013. It identifies
14 Trooper Christopher Burgos, Badge 4276 as the principal
15 in this particular matter. The allegation of theft was
16 reviewed by the Division of Criminal Justice and a
17 Letter of Declination was produced by Dermot O'Grady
18 from Criminal Justice.

19 The only thing I want to put on record as
20 well is the letter identifies the incorrect case
21 number. The case number, the incorrect case number is
22 2011-0361. Our matter before us is 2012-0596.

23 Sir, can you take a look at that
24 particular document and review it for yourself. Any
25 questions?

1 A No questions.

2 MR. HARKNESS: Sir, do you have any
3 questions?

4 MR. BUKOSKY: No.

5 BY MR. HARKNESS:

6
7 Q Also provided for the record was a New
8 Jersey State Police Reportable Incident Form for case
9 number 2012-0596. The date in question is 10/18/2012.
10 That -- this particular report identifies the
11 allegation as it was received by OPS on October 18th,
12 2012. Trooper Burgos, can you take a look at the
13 document, please. Any questions?

14 A No questions.

15 MR. HARKNESS: Sir, do you have any
16 questions?

17 MR. BUKOSKY: No.

18 BY MR. HARKNESS:

19
20 Q Also provided for the record was a New
21 Jersey State Police Office of Professional Standards
22 Material Witness Notification List for principals for
23 investigation number 2012-0596. Trooper Burgos,
24 please review that. Any questions, sir?

25 A No.

1 MR. HARKNESS: Sir, do you have any
2 questions?

3 MR. BUKOSKY: No.

4 BY MR. HARKNESS:

5
6 Q Also provided for the record was a
7 Weingarten Representative Acknowledgment Form. I
8 provided this to Mr. Bukosky. He reviewed it and he
9 also applied his signature and I applied mine as well.
10 Sir, can you please review that document?

11 MR. BUKOSKY: Yes. I reviewed it.

12 MR. HARKNESS: Any questions?

13 MR. BUKOSKY: No.

14 MR. HARKNESS: For the record too, I
15 didn't indicate earlier, all those documents that
16 allowed for signatures were signed by Trooper Burgos
17 and myself and the initials of his attorney were
18 applied as well.

19 BY MR. HARKNESS:

20
21 Q Trooper Burgos, according to the rules and
22 regulations and in a particular SOP B-10 Section 11,
23 Subsection D, all members of the Division of the State
24 Police are obligated to answer questions and provide
25 full and complete information to investigating

1 officers. Less than complete candor during any
2 statement may lead to serious disciplinary sanctions
3 which may include suspension and/or termination. Do
4 you understand the statement?

5 A Yes.

6 MR. HARKNESS: This investigation stems
7 from the unauthorized release of information more
8 specifically the OPS Supervisory Review Sheets
9 pertaining to Internal Investigation number 2009-0354.
10 A witness in this investigation, the Internal
11 Investigation, 2012-0596, identifies Vincent Nuzzi,
12 Esq, identified you on December 4th, 2012, as the
13 person who ultimately provided the documents in
14 question to him. Mr. Nuzzi also led, you received the
15 documents from Katherine Hartman, Esq. on August 16th,
16 2012, after she received them from an OPS member.

17 Is anybody else electronically recording this
18 interview?

19 MR. BUKOSKY: No.

20 MR. QUINOA: No.

21 MR. RIZZO: No.

22 MR. BURGOS: No.

23 MR. HARKNESS: I will indicate that this
24 is a little unusual to have a court stenographer here,
25 but in this case it's been put in place. At this time,

1 I want to identify the allegations in question. The
2 first allegation in question is failure to notify
3 Division and/or supervision of information which the
4 Division takes cognizance. If proven true, this would
5 be a violation of Article V, Section Eight of the rules
6 and regulations of the Division which reads, "A member
7 shall communicate promptly through the Division chain
8 of command all crimes, breaches of peace, suicide,
9 attempted suicide, fires, accidents, complaints,
10 misconduct or other information which the Division
11 takes cognizance that may come to the member's
12 attention during the performance of such member's duty.
13 A member shall not withhold any information on matters
14 for any reason". That's allegation number one.

15 Allegation number two falls within the
16 rules and regulations titled conflicts of interest.
17 This will be regarding unauthorized release of
18 information that we discussed or that's been introduced
19 thus far. According to Article 13, Section 19, four
20 sections apply A, B, C and D. A member -- according
21 to A, Section A, "Will not willfully disclose to any
22 person whether or not for pecuniary gain any
23 information not generally available to members of the
24 public which such member receives or acquires in the
25 course of and by reason of official duty unless

1 specifically authorized by competent Division
2 authority".

3 B. "Treat as confidential unless the
4 contrary is specifically authorized by competent
5 Division authority, any matters or information which
6 pertain to the Division, its operations,
7 investigations, or internal procedures".

8 C. "Not disseminate, distribute or supply
9 to any unauthorized member or any other person an
10 original copy or abstract of any Division document
11 unless specifically authorized by competent Division
12 authority".

13 And D. "Release such information which
14 pertains to Division as may from time to time be
15 authorized by competent Division authority to any
16 person or to the news media upon request. Nothing
17 contained herein shall be construed as denying to the
18 public information they have a right to obtain from the
19 Division pursuant to law."

20 Any questions about that from anybody in
21 the room?

22 MR. BURGOS: No.

23 MR. RIZZO: No questions.

24 MR. HARKNESS: Thank you. I just want to
25 put on the record, I provided Trooper Burgos prior to

1 me turning on the digital recording a chance to review
2 an E-Mail correspondence from Katherine Hartman. It
3 was dated Thursday, August 16th, 2012, at 9:56 a.m.
4 There are three E-Mails in question. The one that's
5 relevant with this particular interview is to Chris
6 Burgos in parenthesis is (cburgos@stfa.org). The
7 subject is a forward and it says, "The Freites
8 extension". So I am just going to ask you for the
9 record if you can just read the contents of that
10 particular document into the record, please.

11 MR. BUKOSKY: I'm going to object to that
12 being read in the record. We would understand that
13 communication to be protected under the attorney-client
14 privilege.

15 MR. HARKNESS: Very good.

16 BY MR. HARKNESS:

17
18 Q Sir, I also provided you with State of New
19 Jersey Office of Administrative Law Order of Extension.
20 This is a photocopy of OAL Docket Number POLO1779-12S
21 just for your review. Did I allow you to do that
22 beforehand?

23 A Yes. You did.

24 Q Any questions?

25 A No.

1 MR. HARKNESS: Sir, would you like to take
2 another look at that?

3 MR. BUKOSKY: No. I've seen it. Thank
4 you.

5 BY MR. HARKNESS:

6
7 Q Very good. Also for the record, I
8 allowed Trooper Burgos to review an eight-page
9 document, a New Jersey State Police Internal
10 Investigation Review Sheet for case number 2009-0354.
11 Again, there are some redactions. I didn't redact the
12 whole entire document for -- it would have covered
13 essentially most of the document to do so. I wanted
14 Trooper Burgos to at least be able to review it and
15 identify it for the record. Did you identify that
16 document?

17 A Yes.

18 Q Very good. At this time, if there are no
19 questions of me, I am going to turn the floor over to
20 Trooper Burgos. I am going to ask him to provide me
21 with a statement regarding his entire knowledge of this
22 matter and describe and explain all your specific
23 actions taken regarding this particular unauthorized
24 release of information and the pertinence to this
25 particular E-Mail that I identified from Katherine

1 Hartman that you received on Thursday, August 16, 2012,
2 at 9:56. So take a moment and compose your thoughts.
3 I am looking from the A to Z for this. Everything that
4 you can recall from the time you woke up that day on
5 August 16th to every action you took and then anything
6 after that that is relevant to this matter. I am
7 asking you to do so when you get a chance, sir. When
8 you're ready.

9 A August 16th, 2012, without anything to review as
10 to my activities that day, I couldn't even tell you
11 what occurred that day as far as where I was or what my
12 obligations were. But it was a weekday so I was doing
13 association business in some fashion and the E-Mail
14 that you have was from my STFA legal defense assistance
15 plan attorneys who I have an agreement with to
16 represent members of STFA. I reviewed same E-Mail as
17 sort of routine discovery for another matter and I
18 forwarded information to Vincent Nuzzi who is also an
19 STFA attorney that represents members of our
20 association.

21 Q Anything else, sir?

22 A No.

23 Q For the record, what I'd like to do then,
24 if it is okay with you, I am going to resort to a
25 question and answer. If that's okay. Some things you

1 kind of touched on. Many you didn't. Is that okay?

2 MR. BUKOSKY: That's up to you.

3 MR. HARKNESS: Okay. We'll continue on.

4 BY MR. HARKNESS:

5

6 Q Trooper Burgos, can you please describe
7 your role as STFA President?

8 A The role of the STFA President, the State
9 Troopers' Fraternal Association is to recognize the
10 Collective Bargaining Group for all troopers under the
11 rank of Sergeant. We incorporated in October, October
12 28th of 1963, and we have been up to the present the
13 recognized Collective Bargaining Group for all troopers
14 under the rank of Sergeant. We represent members in
15 negotiations and all other contractual management
16 labor issues that affects our member's terms and
17 conditions of employment. And I have been in that role
18 as Elected President since January 1st, 2012, to the
19 present.

20 In my 27 -- almost 27 years with the Division, I
21 have held the positions of Station Representative
22 from -- going back to 1988 and I was Elected Officer to
23 the STFA from 1999 to the present holding various
24 positions, Sergeant at Arms, Vice President for
25 Legislation and Grievances, Second Vice President,

1 First Vice President for the past nine plus years
2 before being Elected President.

3 BY MR. HARKNESS:
4

5 Q Okay. Sir, what are your primary duties,
6 can you identify them for the record, in that role?

7 A I am detached to the Administrative Section at
8 this time to conduct association business day-to-day as
9 it presents itself and we work in relationship with the
10 Office of Labor Relations at Division Headquarters on a
11 regular basis on matters involving terms and conditions
12 of employment for troopers.

13 Q Are your duties that you discussed, are
14 they enumerated in any particular document?

15 A In the STFA contract as far as the language
16 regarding the President, First Vice President that we
17 are to give priority to our day jobs and we are, with
18 the permission of the Superintendent, to conduct our
19 duties uninterrupted, to conduct association business
20 properly and upon emergencies there is a recall
21 provision in there but other than that, we do conduct
22 our business as we see fit and we do also -- I maintain
23 the in-service training weapons, qualifications and all
24 their in-service requirements that are required of an
25 enlisted trooper.

1 Q Okay. That sounds like a description of
2 how the Division recognizes your job?

3 A Yes.

4 Q Do you have another document that actually
5 describes your duties?

6 A No. I do not.

7 Q And the union has nothing like that on
8 file that you're aware of, right?

9 A No. Well, let me just say, we have a
10 constitution and bylaws that we have in effect. That's
11 part of our incorporation papers and that describes the
12 duties of the -- each officer or representative and
13 such. So there is a document that exists.

14 Q Is that a document I can get for this
15 particular internal investigation?

16 A Sure.

17 Q Okay. Thank you. You mentioned that you
18 have been with the Division 27 years. I just wasn't
19 sure about the total numbers of years you have been
20 with the STFA. I know you started as a Station Rep.
21 Can you identify the amount of years you've actually
22 been involved with STFA.

23 A Well, from the time I graduated the academy June
24 19th, 1986, a member in good standing, dues paying
25 member from that date forward in its entirety. And I

1 became a Station Representative of the Bloomfield
2 Station about two years into my service with the
3 Division as the Bloomfield Station Rep. Then I became
4 the Troop Rep for the Parkway in addition to being the
5 Station Rep. And then up to that point, 1999, I became
6 Sergeant at Arms with the STFA and then the other
7 positions that I noted up until the present.

8 Q Can you just run through from Sergeant at
9 Arms, and again I am putting you on the spot with a lot
10 of history, but if you can do it just for the record
11 I'd appreciate that.

12 A That's okay. From 1999 to mid 2000, Sergeant at
13 Arms.

14 And then in 2001 I was moved into the position
15 of First Vice President for a short period of time.

16 Then I then took over the duties of the Vice
17 President for Legislation and Grievances and at that
18 time I was in that position for several years handling
19 more discipline effecting our members be it reprimands,
20 summary disciplinary hearings, general disciplinary
21 hearings and working with our association attorneys on
22 all those cases for a number of years.

23 There were approximately, from my recollection,
24 over 400 pending grievances at that time that we worked
25 on getting resolutions to.

1 Then after that position, I held the position of
2 Second Vice President for a period of time.

3 And then approximately 10 years ago I was
4 elected into the position of First Vice President for
5 the STFA and I held that position continuously up until
6 January 1st, 2012. I believe that covers the entire
7 timeframe.

8 Q So 25 years of experience?

9 A Yes.

10 Q Very good. Thank you. As STFA
11 President, are you involved in pending OPS matters
12 pertaining to the STFA members and if you can you
13 explain how?

14 A Yes. I am. All communications from the
15 Colonel's Office, from this Office of Professional
16 Standards, more specifically with the Adjudication Unit
17 and dealing with our members in regard to any pending
18 matters whether it be requesting Weingarten
19 representation for impending internal interviews as
20 principals or witnesses and also dealing with discovery
21 for the proper representation of our members.

22 There is -- there was and is a conduit to make
23 sure that our members and our respective association
24 attorneys have full discovery for preparation of any
25 negotiation or adjudication of any disciplinary matters

1 involving our members.

2 Q Are you personally involved in the
3 matters, I mean, as the President were you?

4 A Yes. I am.

5 Q How?

6 A In my role I have the authority to have
7 discussions with my association counsel and with the
8 members regarding these matters as they move through
9 the process.

10 Q Okay. Do you act as an advisor in some
11 way in any of these matters?

12 A I would say that in the capacity of my role is
13 to obtain the satisfactory outcome for all parties for
14 any pending matter that's mutually beneficial to all.
15 More specifically, for my member the -- to get the best
16 resolution possible for any matter that's out there.

17 Q So you're looking to represent the member
18 and their interest?

19 A Absolutely. Yes.

20 Q Do you personally represent troopers in
21 hearings?

22 A I have.

23 Q As the President, can you do that?

24 A Not in the capacity of the President, but in my
25 other roles as -- the other Vice President roles that I

1 have had I represented members in hundreds of minor
2 disciplinary hearings that would involve up to five-day
3 suspension. I've also been a resource -- resource
4 person in summary and general disciplinary hearing
5 matters which we have -- the association counsel
6 usually has the lead in those more serious matters.

7 We also had -- we also have association counsel
8 involved in minor disciplinary matters as well but
9 there are situations that with minor or disciplinary
10 hearing matters that we and I have handled what we call
11 phase one hearings for members where we are the
12 representative for that member up through the process
13 and if we do get to a place where we need association
14 counsel, of course we will request their services. But
15 I have done that role hundreds of times.

16 Q Can you identify your staff by name and
17 title if you recall at this time.

18 A My elected officers?

19 Q Correct?

20 A My First Vice President is Trooper I Mike
21 Zanyor.

22 My Second Vice President is Acting Sergeant
23 Daniel O'Brien.

24 My Vice President for Legislation and Grievances
25 is Trooper II Wayne Blanchard.

1 My Treasurer is Trooper I Frederick Hatrak.

2 My recording Secretary is Detective I Kenneth
3 Lutz.

4 My Correspondence Secretary is Trooper II Steven
5 Kuhn.

6 I have two Sergeants at Arms, Trooper William
7 Legg and Trooper Richard Monodragon.

8 I also have a Secretary of Resolutions Trooper
9 Daniel Olivera. That would make 10 officers and I
10 include myself.

11 Q Very good. Thank you. Does the STFA
12 provide support and legal services to STFA members
13 during OPS proceedings, support services and/or legal
14 services?

15 A Yes.

16 Q Can you describe or explain.

17 MR. BUKOSKY: I'm going to object to that
18 question. I mean, the Attorney General's Guidelines
19 indicates that any questions, and I'm quoting from
20 Section 11-43, "Any questions asked of officers during
21 an internal investigation must be narrowly and directly
22 related to the performance of their duties". It also
23 goes on to indicate that, "Officers cannot be forced to
24 answer questions having little to do with their
25 performance as law enforcement officers or questions

1 unrelated to the investigation". We think the
2 internal operations of the union and how that conducts
3 itself has nothing to do with his performance of his
4 duties and has little to do with this investigation.
5 So I strongly object to those questions as violating
6 your own internal affairs' policies and procedures of
7 the Attorney General Guidelines.

8 MR. RIZZO: That would probably have some
9 application except for the fact that he's claiming the
10 attorney-client privilege as a result of his position
11 with the union as the President protecting him from
12 revealing sources or discussing things. So the fact
13 that he is the President and hides behind it or uses it
14 as an explanation for the actions he has taken, makes
15 it to me a subject matter of the investigation in order
16 to know what it is that he does to confirm that he has
17 the role he claims he does or doesn't have, the role he
18 claims he does. Because this is not, and I think you
19 will agree with this, the typical internal
20 investigation. So it's been raised to a totally
21 different level by the attorney-client privilege
22 assertion made by your member.

23 MR. BUKOSKY: We should, I think, ask
24 questions about the investigation, not about the
25 internal operations of the union.

1 MR. RIZZO: But it's the internal
2 operations of the union that he says cause him not to
3 be able to discuss these things behind which he says he
4 has an attorney-client privilege so they are central to
5 whether or not there is such a privilege and whether or
6 not in his activities he violated internal rules of the
7 State Police.

8 MR. BUKOSKY: I can't agree with the broad
9 scope of your characterization.

10 MR. RIZZO: Well, you put your objection
11 on the record, but I don't think you can stop the
12 Sergeant First Class Harkness from asking his
13 questions. Your objection is noted obviously. Go
14 ahead.

15 MR. HARKNESS: Continue?

16 MR. RIZZO: Yes.

17 MR. BURGOS: Can you repeat the question,
18 please.

19 MR. RIZZO: She can read it back for you
20 if you want to do that.

21 (At which time, the reporter reads back
22 the last question.)

23 A Yes.

24 BY MR. HARKNESS:

25 Q Can you describe and explain how and how

1 that occurs?

2 A Well, we have agreements with many licensed
3 attorneys throughout the State to provide legal
4 services to our members in good standing if they do so
5 require same for any disciplinary matter involving
6 their duties as a State Trooper and we make
7 arrangements for those services to be provided and with
8 the client -- the trooper and the STFA is the client
9 with the respective counsel that we have an agreement
10 with.

11 Q Okay. Does the STFA hire, I don't know
12 the correct legal term, hire or contract with a list of
13 attorneys?

14 A We have agreements with respective attorneys
15 that we work with and yes, we do. We do have that
16 understanding and we do pay the legal fees for those
17 services for those members.

18 Q Is it -- is the list of attorneys pretty
19 much the same people? Is it a standard list or do you
20 just reach out and hire anybody off the streets?

21 A That's an internal process that's entirely
22 within the scope of my authority of my executive board.

23 Q Okay. That leads me to my next question.
24 How are you involved in that process?

25 A My role --

1 Q Specifically how are you involved?

2 A To have direct contact with those attorneys with
3 the respective clients and to give them the ability to
4 properly represent the member through the agreements
5 that we have with them.

6 Q Do you act as a conduit or go-between the
7 trooper and/or his attorney?

8 A That is a role that I play. Yes.

9 Q And describe what you have done in the
10 past. Just give us several examples if you can recall.

11 A Any member that has any either pending
12 disciplinary matter or matter that has now been decided
13 upon to be discipline in nature that the members are
14 aware that as members in good standing that there is a
15 plan in place that upon request from that member we
16 will make a determination as to the eligibility to have
17 legal services provided to that member through our
18 legal plan, the STFA legal plan.

19 Q Okay. Throughout your STFA tenure, did
20 you ever sign a confidentiality agreement with the
21 Division?

22 A No. I did not.

23 Q Did you ever sign a confidentiality
24 agreement as -- with OPS in any title that you held in
25 the past?

1 A No. I did not.

2 Q As part of your union duties as President,
3 is confidential OPS information routinely disclosed to
4 you?

5 A The term confidential I would classify as
6 discovery for disciplinary matters. I see that as
7 discovery as far as there is nothing that said
8 confidential that I'm aware of on any documents that
9 I've dealt with.

10 Q Do you consider OPS information to be
11 confidential, I guess, that's a pretty --

12 A I would agree that yes, it is confidential
13 within the scope of working with counsel and the
14 affected member. Yes. That is correct.

15 Q Does the union have a written policy
16 regarding maintaining confidentiality with OPS
17 information it receives?

18 A We have an understanding with the Division of
19 the sharing of discovery with respective members and
20 the STFA attorneys.

21 Q You say it's an understanding. Is that in
22 writing anywhere?

23 A I do not have anything in writing.

24 Q Are you aware of that with any of your
25 experience having a written document along those lines?

1 A I do not have that. No.

2 Q What instructions regarding OPS
3 confidentiality, I am speaking to you as the President,
4 are disseminated to the union officers and station
5 representatives regarding OPS confidentiality?
6 Specifically, what instructions do they -- do you
7 disseminate or your officers?

8 A That any discovery for any pending matter is
9 specifically for that member as the client, the
10 association counsel and myself and any officer that I
11 deem necessary to be a resource person for those
12 matters.

13 Q I guess what I am trying to do is, I'm
14 trying to dial down on say the average, I don't want to
15 use that word, but the average trooper who is
16 representing another trooper in an OPS matter as a
17 station rep, what directions do they receive? What
18 understanding are they expected to adhere to? Is there
19 anything in writing?

20 A My station representatives would not deal in any
21 handling of any documents.

22 Q But as far as the interviews, sitting in
23 the interview, I noted that they do take reports. What
24 do they do with those reports?

25 A You're regarding to the role as the Weingartner

1 representative under the Weingartner rule?

2 Q Correct.

3 A Yeah. But the notes that are taken that are to
4 be kept in confidence within the association office and
5 only to be used for further review or needed at a later
6 time relevant to that matter only.

7 Q Okay. Are you aware if you're bound by
8 SOP to consider confidentiality, OPS confidentiality?

9 A That's a matter of course that documents that
10 are internal in nature for the use of the Division
11 and/or the processes that we work with, obviously I am
12 not going to divulge that to the public for whatever
13 reason I deem. That's not my decision to make it
14 public. We did deal with it within the confines of our
15 counsel and the affected members.

16 Q Are you ever in receipt of any legal memos
17 from OPS?

18 A I believe I've seen memorandums as part of
19 discovery packages.

20 Q Can you identify what you have seen
21 regarding that line?

22 A Many many times as part of discovery for
23 disciplinary hearings for preparation, there have been
24 memos included in discovery packages many times.

25 Q Can you identify your Division E-Mail

1 address for the record, please.

2 A LPP4276hewnjsp.org.

3 Q Okay. And your STFA E-Mail?

4 A Cburgos@stfa.org. And I also have
5 President@stfa.org.

6 Q Okay. What is it again, I'm sorry?

7 A President@stfa.org.

8 Q Can you identify out of those E-Mails
9 which ones you use for STFA business.

10 A Only the STFA E-Mails. I do not use the
11 group-wide E-Mail for any association business.

12 Q For the record, can you explain your
13 relationship with Vincent Nuzzi, Esq., please.

14 A He is an authorized STFA legal defense
15 assistance plan attorney.

16 Q And when did you first become to know him
17 or interact with him?

18 A I would say at least over a dozen plus years
19 going back to at least 2000.

20 Q Okay. 2000. Did he represent you on
21 August 16th, 2012? You, not the union, on August 16th,
22 2012, that's the date of this particular E-Mail?

23 A He did not represent me personally. Is that the
24 question?

25 Q Yes.

1 A He is not my personal attorney at that time. He
2 was the STFA attorney assigned to a client and I'm the
3 client also.

4 Q You're the client of what?

5 A I'm the client as the STFA President with
6 Counsel Nuzzi in addition with the client trooper.

7 Q Has he ever represented you in any past
8 cases personal or State Police business?

9 A No.

10 Q Can you explain your relationship with
11 Katherine Hartman, Esq.

12 A She's also an authorized STFA legal defense
13 assistance plan attorney.

14 Q Do you recall the date when you first met
15 her or interacted with her?

16 A It would be the same going back to at least
17 2000.

18 Q Did she represent you on August 16th,
19 2012?

20 A No. She was representing one of my members.
21 And as I said, with Counsel Nuzzi she has a
22 trooper/client and I'm also the client as the President
23 of the STFA for and with her firm.

24 Q Did she ever represent you personally or
25 professionally?

1 A No.

2 Q Can you explain in detail your
3 relationship with Lieutenant Dan Fisher, Badge 5150.

4 A Specifically at what point in time?

5 Q Identify, I guess, let's go way back from
6 when you first met him.

7 A I believe going back to the year 2000 or so,
8 best I can recall that, through the interactions with
9 the Office of Professional Standards and dealing with
10 pending disciplinary matters, and his role more or less
11 was to put a package together for any member's
12 disciplinary matter that would be shared with the
13 affected trooper and with us to prepare a defense or
14 negotiated settlement.

15 Q Do you consider yourself a personal friend
16 of Lieutenant Fisher? First of all, identify my
17 version. Say do you go to dinner or drinks or you
18 socialize after work?

19 A No.

20 Q And you only met him in his duties as an
21 OPS member; is that correct?

22 A Yes.

23 Q Did you know him say when you were on the
24 road together or anything like that in Troop B?

25 A No.

1 Q This particular E-Mail I showed you
2 earlier, the one from August 16th, 2012, at 9:56 a.m.,
3 did you receive that E-Mail from Katherine Hartman on
4 that particular date?

5 A Best I can recall that would be the same date.

6 Q You identified that as your particular
7 E-Mail in the CC?

8 A Yes.

9 Q Can you just state it for the record.

10 A Cburgos@stfa.org.

11 Q For the record, I am going to read this
12 E-Mail into the record. "One, the document doesn't
13 relate to Louis at all. Second, is an order granting a
14 45 extension to the Colonel for his decision. This
15 system isn't rigged much, is it. Take care. Katy".
16 It's signed by Katherine D. Hartman, Esq., attorneys
17 Hartman, Charter.

18 MR. BUKOSKY: I just want to -- for the
19 record, I object to him reading that into the
20 statement. That's a confidential attorney-client
21 privilege communication. The fact that he just read it
22 into the record does not destroy the privilege. We
23 understand that to be protected communication.

24 MR. RIZZO: Okay. That's fine.

25 BY MR. HARKNESS:

1 Q Sir, did you receive this particular
2 E-Mail in response to something you sent to her?

3 MR. BUKOSKY: It is my continuing
4 objection.

5 BY MR. HARKNESS:

6

7 Q Was this --

8 MR. RIZZO: You can ask the question. He
9 is just putting it on the record to preserve.

10 MR. HARKNESS: Is he obligated to answer
11 or no?

12 MR. BUKOSKY: Are you ordering him to
13 answer?

14 MR. RIZZO: Yes.

15 A I don't know if that was a request or not.

16 Q Okay. Did you receive this E-Mail in
17 response to something you sent to Katherine Hartman?

18 A I don't know. It could be. I'm not sure.

19 BY MR. HARKNESS:

20

21 Q Okay. So you're not sure if it was
22 spontaneous that you received it?

23 A It may have been. I'm not sure if it was
24 something that I asked for or she sent to me. I don't
25 know that at this time.

1 Q Okay. I already put the E-Mail on the
2 record. So what I'd like to introduce now are the two
3 attachments that were with that particular E-Mail. I
4 introduced them earlier so I am not going to do it
5 again.

6 This particular Order of Extension, it is
7 identified or in the interest of Detective II Louie
8 Freites, his Badge 6352. Did that particular matter
9 involve you as the STFA President?

10 A Yes.

11 Q How?

12 A It was a pending disciplinary matter that --
13 what that document shows is that there was additional
14 time requested by the Superintendent to give a final
15 determination on a recommendation from the Office of
16 Administrative Law for the Superintendent to have more
17 time to come up with a final decision on the
18 Detective's disciplinary matter.

19 Q Okay. Was that unusual for you to
20 receive this type of document from Katherine Hartman or
21 any other union attorney?

22 A No. Not at all.

23 Q This particular document?

24 A Correct.

25 Q Okay. The second is the eight-page

1 attachment I put on the record earlier. I am not going
2 to repeat it. It is the review sheets just for
3 clarification. Did this particular matter involve you
4 in any way as the STFA President?

5 A Yes.

6 Q How?

7 A It involves Trooper Juckett who was one of my
8 STFA members being represented by counsel in a pending
9 disciplinary matter.

10 Q Okay. And what was your actual
11 involvement beyond generic? What did you do in this
12 particular case?

13 A I saw there was additional discovery that Mr.
14 Nuzzi had been requesting and forwarded same to him for
15 his use.

16 Q In this particular matter or either matter
17 that we have put on the record, were you involved as
18 say as a principal and/or a witness in either matter?

19 A No.

20 Q In either of these two particular
21 investigations?

22 A No.

23 Q Were you expecting to receive this
24 particular E-Mail from Katherine Hartman?

25 A That's a hard question to answer because when

1 dealing with counsel there is things that -- am I
2 expecting something?

3 Q This one in particular? This one in
4 particular with these two documents, were you expecting
5 to receive this from Katherine Hartman on that
6 particular date?

7 A I wouldn't recall that that be the case, but I
8 don't recall if I was expecting that or not.

9 Q Did you -- did any person enlisted and/or
10 civilian advise you this E-Mail was being forwarded to
11 you with these particular documents?

12 A No.

13 Q Did you receive any telephone calls about
14 that particular E-Mail prior to receiving it from
15 anybody?

16 A No.

17 Q Did you receive a phone call from
18 Lieutenant Fisher about that particular E-Mail and
19 these two documents?

20 A No.

21 Q Did you receive a phone call from any
22 other OPS member about that particular E-Mail and those
23 two documents prior to receiving it on the 16th of
24 August?

25 A No.

1 Q Are you sure?

2 A Best I can recall.

3 Q Okay.

4 A I don't believe so.

5 Q I'm going to turn your attention to the
6 review sheets. Did you believe that the review sheets
7 attachment was sent out by Lieutenant Fisher by
8 mistake?

9 A What I know now or at that time?

10 Q At that time?

11 A A mistake by sending it to Katherine Hartman,
12 yes.

13 Q How? How would that be a mistake?

14 A Because she doesn't represent my member in this
15 case.

16 Q Okay. Can you identify --

17 A My member Trooper Juckett. Mr. Nuzzi represents
18 Trooper Juckett in this matter.

19 Q Are you aware of any other members in this
20 particular case and who their representative is as
21 well?

22 A As far as Sergeant Wambold would be Mr. Charles
23 Sciarra. He's the noncommissioned officer's counsel
24 for Sergeant Wambold.

25 Q Sir, you indicated before that you

1 believed the fact that Katherine Hartman received this
2 was a mistake?

3 A Yes.

4 Q Had you ever received this type of
5 document before in your position at any time with the
6 union? This particular type of document, had you ever
7 received anything like that in the past?

8 A Yes.

9 Q When?

10 A Many times representing members in disciplinary
11 hearings.

12 Q This particular document, New Jersey State
13 Police Internal Investigation Review Sheet?

14 A Sure.

15 Q Can you identify a case? Try to be as
16 current if you can so we can --

17 A I couldn't name a case off the top of my head.
18 I have done hundreds of cases.

19 Q And how many of these particular review
20 sheets have you received in those hundreds of cases?

21 A I couldn't give you an exact number. We have an
22 ongoing dialogue for additional discovery all the time
23 to provide full discovery and many times we don't get
24 full discovery.

25 Q Is this part of your expectation of full

1 discovery?

2 A I would expect that.

3 Q Okay.

4 A Absolutely.

5 Q And said you received this. Again, how
6 many times in the hundreds of cases you have been
7 involved in?

8 A Many times. I don't have an exact number.

9 Q Would you be -- are these kept on file,
10 the discovery kept on file with the STFA?

11 A No. Once we are done with the case, they are
12 returned to the Division.

13 Q Who do you return them to?

14 A Office of Labor Relations.

15 Q So they sit on file with them?

16 A I don't know what they do with them but once we
17 are done with the case and it's adjudicated we return
18 the discovery back to them.

19 Q So if I check with the Office of Labor
20 Relations, would I find this particular document in a
21 package that you had in your possession at one time or
22 somebody in the union at one time, this type of
23 document, this exact document?

24 A I have no idea. The latest information I got
25 from that office several years ago was that they

1 destroyed everything once I gave it to them. I don't
2 know if that's the case or not or how they retain them.
3 I have no idea.

4 Q Just again I will ask you one more time,
5 can you identify for the record the last case, the most
6 recent case that you received this particular document
7 as part of a discovery package?

8 A I can't give you a specific case. There's too
9 many. There's too many cases.

10 Q Okay. How often do you communicate with
11 Katherine Hartman through E-Mail? How often? Is it a
12 daily occurrence?

13 MR. BUKOSKY: Objection. That's a
14 privileged communication, the amount.

15 MR. RIZZO: All he's asking is the amount.
16 He is not asking for the content of anything.

17 MR. BUKOSKY: That discloses the degree of
18 their relationship. I object. If you are ordering him
19 to answer, you can order him. But we understand that
20 to be a privileged communication.

21 MR. RIZZO: He is ordered to answer.

22 A Often.

23 BY MR. HARKNESS:

24

25 Q Often as in daily?

1 A Possibly.

2 Q Okay. I have a follow-up question on the
3 prior line of questioning. In any of the disciplinary
4 matters against troopers, are you also named as a party
5 as the President of the STFA?

6 MR. BUKOSKY: I'm going to object to that
7 question. I don't understand it. I don't know if the
8 witness does.

9 MR. RIZZO: It doesn't matter if you
10 understand.

11 MR. BUKOSKY: Well, it's not clear.

12 BY MR. HARKNESS:

13
14 Q I will reread it. In any of these
15 disciplinary matters against troopers, are you also --
16 are you also named as a party as the President of the
17 STFA?

18 A I am not named as a party, the STFA itself or
19 myself individually.

20 Q As the President?

21 A No. I am not being charged with anything in
22 these cases. I am representative of the member.

23 Q Is the STFA named as a party in the
24 disciplinary action?

25 A On each individual one?

1 Q Yes.

2 A The answer would be no.

3 Q In her message Katherine Hartman
4 indicated, again you can keep it for your review if you
5 want, in her message Katherine Hartman indicated one of
6 the attached documents didn't relate to her client but
7 she still forwarded both to you. When you received the
8 OPS Supervisory Review Sheets, why didn't you
9 immediately notify OPS and return them to Lieutenant
10 Fisher especially since you represent you received them
11 as a result of Lieutenant Fisher's mistake?

12 A I don't see that as my responsibility. My
13 responsibility is to represent the member with proper
14 discovery. That was my understanding that this was
15 additional discovery. I am not to be calling this
16 office in that regard. I don't see that as an
17 obligation of mine. It was additional discovery that
18 was requested for this matter and I saw that we had
19 received it. Even though it went to a different
20 attorney, I got it to the right attorney.

21 Q Were you aware of the review sheets did
22 not concern the Freitas' OAL case?

23 A Yes.

24 Q You did read them?

25 A I reviewed it. Yes.

1 Q Do you recall the first time you saw a New
2 Jersey State Police Internal Investigation Review
3 Sheet, the first time over your 25 years of being
4 involved in the STFA?

5 A That's going back to the time I was handling
6 these matters over a dozen years ago.

7 Q Okay. Had you had any discussions with
8 anyone regarding receiving this particular review sheet
9 with anyone?

10 A No.

11 Q Any OPS member?

12 A No.

13 Q Any STFA member?

14 A No.

15 Q Any union attorney?

16 A Yes.

17 Q And who would that be?

18 A Hartman and Nuzzi.

19 Q Okay. Prior to receiving that document
20 through Ms. Hartman, were you aware if Vincent Nuzzi
21 desired to have the review sheets for any specific
22 investigation including this one?

23 A In the context of full discovery, yes, he had
24 made numerous requests through DAG Victor DiFrancesco
25 for additional discovery.

1 Q Did he specifically identify these sheets
2 as discovery he desired, these in particular?

3 A Described as any and all documents pertaining to
4 the matter, and that would include anything as we are
5 talking about here, this review sheet, yes, that's part
6 of any and all documents.

7 Q So you're aware that he specifically
8 desired to have these particular review sheets in his
9 custody; is that correct?

10 A Absolutely. Yes.

11 Q Before you received them?

12 A Yes.

13 Q And when was that? When did you have that
14 conversation?

15 A It was at some point before the receipt of
16 these, there was an ongoing dialogue with Mr. Nuzzi and
17 Mr. DiFrancesco on getting full discovery and
18 additional documents.

19 Q And what person identified these as being
20 relevant full discovery that would be released? What
21 person in that three-person conversation?

22 A I don't know. I don't know.

23 Q In other words, who brought it up?

24 A You have to ask Mr. Nuzzi or Mr. DiFrancesco in
25 regard to that because there was ongoing communications

1 between them, I believe there still are, regarding full
2 discovery on this matter. I believe you have -- the
3 State has a certification from Mr. Nuzzi to that
4 effect.

5 Q After you received this particular
6 document on the 16th, August 2012, did you speak with
7 Mr. Nuzzi prior to forwarding the review sheets to him?

8 A No.

9 Q You didn't call him?

10 A No.

11 Q Did you call anybody else?

12 A No.

13 Q Did you speak to anybody else in the
14 office?

15 A No.

16 Q Why did you forward the review sheets to
17 Mr. Nuzzi in this particular matter, this particular
18 document?

19 A It was additional discovery that had been
20 requested by Mr. Nuzzi through Mr. DiFrancesco, routine
21 discovery that we always requested.

22 Q After you sent these documents to Mr.
23 Nuzzi, did you have a conversation with him? Did you
24 discuss the fact that you had these and where you got
25 them and so on and so forth?

1 A At some point, yes.

2 Q And when was that?

3 A I can't remember at this time. It's going back
4 over --

5 Q Did you call him right after -- we'll get
6 to it. I'll back up. What did you say to him when you
7 spoke to him?

8 MR. BUKOSKY: Objection. That's
9 attorney-client privilege.

10 MR. RIZZO: That's okay.

11 BY MR. HARKNESS:

12

13 Q When you indicated to Mr. Nuzzi when you
14 spoke to him, did he request these from you or did you
15 offer them up to him without a request?

16 A They were sent to him as I explained earlier.

17 Q How did you forward the documents to him?

18 A Via E-Mail.

19 Q Which E-Mail address was that?

20 A Whose E-Mail?

21 Q Yours? Which one did you use?

22 A My STFA E-mail.

23 Q Which one?

24 A Cburgos@stfa.org.

25 Q Do you know when you did that? Do you

1 recall when you did that? If this was at 9:56 a.m.,
2 when did you forward them to him?

3 A I believe that day, that same day.

4 Q Do you recall what timeframe?

5 A I don't know. I can't recall.

6 Q Did you forward these -- the review sheets
7 to anyone else besides Mr. Nuzzi?

8 A No.

9 Q No one else?

10 A No.

11 Q Did you discuss the review sheets with
12 anyone either before or after contacting Mr. Nuzzi
13 about the review sheets? Did you discuss them with
14 anybody else?

15 A No.

16 Q No?

17 A No.

18 Q In your E-Mail account, is this particular
19 E-Mail still archived in your STFA E-Mail at this time?

20 A I'm not sure.

21 Q Did you delete this E-Mail, the E-Mail?

22 A I don't know.

23 Q You don't know?

24 A I don't know at this time. No.

25 Q Are either attachment archived in your

1 E-Mail or in any STFA computer as we speak?

2 A It may be.

3 Q The extension may be?

4 A Yes. It may be.

5 Q And the review sheets may be?

6 A Correct.

7 Q What computer would they be on possibly?

8 A My STFA computer at my office.

9 Q Is that a laptop or a --

10 A It's a desk computer.

11 Q A desk computer. At any time did you --
12 you're saying you didn't delete the E-Mails then?

13 A I don't recall if that was the case or not. I
14 have thousands of E-Mails.

15 Q For the investigation, can you reproduce
16 the E-Mail for this particular matter?

17 MR. BUKOSKY: You're asking for us to
18 supply it?

19 MR. HARKNESS: Correct.

20 MR. BURGOS: It's an attorney-client
21 communication.

22 MR. HARKNESS: Correct. Reproduce it and
23 then provide it.

24 MR. BUKOSKY: Well, we understand it to be
25 an attorney-client communication that's privileged. He

1 indicated that he sent it to Mr. Nuzzi. What he said
2 and how he said it is privileged.

3 MR. RIZZO: So you're refusing to provide
4 it?

5 MR. BUKOSKY: If he is being ordered to
6 provide it, he will comply with any order.

7 MR. RIZZO: Then he will be ordered to
8 provide it.

9 MR. BUKOSKY: Okay.

10 MR. HARKNESS: The entire E-Mail chain
11 that's associated with this particular matter.

12 MR. BUKOSKY: We object but if he is
13 ordered, he's going to comply with the order.

14 MR. RIZZO: That's fine. Your objection
15 is being preserved on the record but he is being
16 ordered to produce it as part of the OPS internal
17 investigation.

18 MR. BUKOSKY: If he can. If he can.

19 BY MR. HARKNESS:

20

21 Q Again staying on these documents, in
22 particular this document, the review sheets, are there
23 copies of those review sheets in existence anywhere
24 else besides your computer and to whoever you forwarded
25 them to? Are they in existence anywhere else other

1 than a file? Were they forwarded to anybody?

2 A Maybe I would think they would be in the -- in
3 my file, the defense file for this case in my office.

4 Q Is that a separate file or is that case
5 specific?

6 A Case specific.

7 Q Just a little follow-up, a little
8 clarification. You discussed the issue of routine
9 discovery and this document in particular being an
10 expected part of that routine discovery. What do you
11 mean by routine discovery? I guess we need your
12 definition what you mean by that.

13 A Any and all documents pertaining to a matter
14 representing my member in a disciplinary action. I
15 don't see any communications relevant to my member's
16 discipline as being not part of discovery. That's why
17 I request it.

18 Q Do you know if Mr. Nuzzi, to your
19 knowledge, ever specifically requested supervisory
20 review sheets from Victor DiFrancesco?

21 A I don't know that.

22 Q You don't know?

23 A No.

24 Q Did you ever see a letter from Mr. Nuzzi
25 to Mr. DiFrancesco requesting supervisory review

1 sheets, a letter? Did you ever see a letter related to
2 that?

3 A I don't know.

4 Q At any time did you forward the review
5 sheets to Mr. Charles Sciarra, Esq.?

6 A Yes. I did.

7 Q How did you do that?

8 A Via E-Mail.

9 Q And when did you do that?

10 A I believe that same day.

11 Q Again, do you recall a time? This was
12 9:56 a.m. in the morning.

13 A At some time that day.

14 Q Did you send them to Mr. Nuzzi first or
15 Mr. Sciarra first? Do you recall?

16 A I believe Mr. Nuzzi and then Mr. Sciarra.

17 Q And why was that? Was there any
18 particular reason why it was in that order?

19 A No. Well, Mr. Nuzzi is the attorney for my
20 member and Mr. Sciarra is the attorney for Sergeant
21 Wambold.

22 Q Why did you send them to Mr. Sciarra?

23 A He had made requests for additional discovery
24 also and I was aware of that.

25 Q Do you know if Mr. Sciarra specifically

1 requested the review sheets in that particular matter,
2 09354?

3 A I don't know that.

4 Q You don't know. Did you have a
5 conversation with him where he said he knew about these
6 and wanted them for his case?

7 A No.

8 Q Did you have a conversation with him where
9 he told you to expect these, you would receive them and
10 to expect to receive them?

11 A No.

12 Q Okay. Was Mr. Sciarra representing you
13 personally at the time you forwarded the review sheets
14 to him?

15 A No.

16 Q Had he ever represented you in any
17 personal or professional matter?

18 A Yes.

19 Q Can you identify?

20 A They were matters against the STFA and he
21 represented myself and the STFA.

22 Q Can you tell me how recent that was?

23 A It goes back a couple years.

24 Q So 2010?

25 A I don't know exactly.

1 Q But since that time he hasn't specifically
2 represented you?

3 A No.

4 Q And you were not a witness or a principal
5 in this particular matter 2009-0354?

6 A No. I was not.

7 Q You were not officially involved in it in
8 any way?

9 A No.

10 Q Regarding specifically these review
11 sheets, did you ever agree to speak to any members of
12 the press about the content of those review sheets?

13 A No.

14 Q Did you ever agree to speak off the record
15 to any members of the press regarding these specific
16 review sheets?

17 A No.

18 Q Are you aware if any State Police enlisted
19 member ever spoke to any member of the press about
20 these enlisted review sheets?

21 A No.

22 Q Did you print, reproduce, file or store
23 the review sheets anywhere we have not discussed? It
24 doesn't matter what format it's in.

25 A No.

1 Q You haven't saved it to a disc or hard
2 drive or thumb drive or anything like that?

3 A No.

4 Q Is a copy available say off State Police
5 grounds say at your personal residence or anything like
6 that?

7 A No.

8 Q At any time did you print the review
9 sheets and copy them?

10 A For my legal defense file at my office which I
11 stated earlier.

12 Q And how many times did you copy the review
13 sheets?

14 A Just one copy.

15 Q One copy. Did any of your other STFA
16 board members review these sheets?

17 A Possibly Mike Zanyor as my First Vice President
18 because he is my legal defense plan administrator.

19 Q That was his only involvement?

20 A That's his role. Yes.

21 Q Did he get involved in distributing these
22 out to anybody either?

23 A No.

24 Q So it is just yourself and your Vice
25 President?

1 A Yes.

2 Q Anybody else?

3 A Nope.

4 Q Were there any other troopers in, I'll
5 call it the station, in the office at the time you
6 received this?

7 A No.

8 Q That you can recall?

9 A No.

10 Q Do you have a sign-in sheet at the office?

11 A No.

12 Q Do you keep records of who visits?

13 A No.

14 Q Did you forward the review sheets in any
15 manner to any other person that we have not yet
16 discussed?

17 A No.

18 Q Did you discuss the review sheets with
19 anybody else that we have not yet discussed, anybody at
20 all in the Division?

21 A No.

22 Q Anybody who is a civilian and not employed
23 by the Division?

24 A No.

25 Q Did you desire to harm the NJSP by

1 forwarding the documents in any manner?

2 A No.

3 Q Did you think that forwarding the
4 documents may, in fact, harm the NJSP in any fashion?

5 A I didn't have that opinion. I was working with
6 counsel to appropriately defend my member with proper
7 discovery.

8 Q Were you advised by any other member to do
9 so? In other words, forward the documents because, in
10 fact, it may harm the NJSP?

11 A No.

12 Q Did any member caution you not to forward
13 the documents?

14 A That conversation did not occur.

15 Q What conversation?

16 A There was no conversation to that effect.

17 Q At any time did you contact Lieutenant
18 Fisher or any other member of AIPU here at OPS or any
19 other OPS member about these review sheets?

20 A No.

21 Q Did you have any follow-up conversation
22 through people to Lieutenant Fisher?

23 A No. I don't talk to Lieutenant Fisher anymore.

24 Q Okay.

25 A I haven't talked to him in a very long time.

1 Q And why is that?

2 A I don't trust anyone in this office so I can't
3 have conversations with them.

4 Q And when did you start not trusting him I
5 guess?

6 A When I became President.

7 Q And again that was January 2012?

8 A Yes.

9 Q But up to that time you had a relationship
10 with Lieutenant Fisher?

11 A We discussed how to solve cases. I can't do
12 that anymore.

13 MR. HARKNESS: Okay. Sir, do you have any
14 follow-up question or any type of clarification you
15 would like to add?

16 MR. QUINOA: Yes.

17 EXAMINATION

18 BY MR. QUINOA:

19

20 Q When your members receive a discovery
21 package, do you routinely review these discovery
22 packages?

23 A Yes.

24 Q So you review every single sheet that's
25 given in discovery?

1 A Every single sheet that's provided to us I do
2 review if at all possible.

3 Q And you stated earlier that the internal
4 review sheets that's done by the supervisors has been
5 given to you in prior cases in discovery; is that
6 correct?

7 A Yes.

8 Q So this particular document, the internal
9 review sheets, you are stating that you have seen these
10 review sheets in all the discovery packages that have
11 been given to your members when charged?

12 A That's not correct.

13 Q Okay. What is --

14 A Not all. I said many over the years.

15 Q Can you give us a quantitative measure how
16 many is many?

17 A I have done so many --

18 Q Percentage, how is that?

19 A Sir, I have done so many cases I couldn't give
20 you a percentage. I did hundreds if not thousands or
21 more.

22 Q More than half of the cases have contained
23 these review sheets?

24 A My answer is many. I am not going to lock into
25 a number I'm not sure of.

1 Q It's not a number. A percentage?

2 A Many.

3 EXAMINATION

4 BY MR. HARKNESS:

5

6 Q Do you recall the last OPS member who
7 provided your member, STFA member with that particular
8 document included in their discovery package? Who was
9 the OPS member who actually released this to the best
10 of your recollection? There is always a receipt.

11 A You have to ask the people in the office across
12 the hall.

13 Q There's always a receipt and your member
14 would get a receipt with that. So do you recall --

15 A You have to ask them. They are the ones that
16 give it out.

17 Q Well, I'm asking you. Who was the last
18 member that you recall that released this particular
19 document in any OPS case?

20 A Whoever was in adjudication at the time. Dan
21 Fisher was the longest person that I have known that
22 was there.

23 Q So you're saying Lieutenant Fisher has
24 released this before?

25 A As a Sergeant. That's his office.

1 Q Okay. Has anybody else that you are aware
2 of, any other member, that would be involved in that
3 which is AIPU, can you identify any other member who
4 with a receipt signed this particular document out in
5 your past history?

6 A I can't. I have no idea.

7 Q So only Lieutenant Fisher in -- to the
8 best of your recollection?

9 A I can't keep track of all the people that have
10 gone through that revolving door.

11 Q So do you at least agree that everything
12 is signed out with a receipt on each package?

13 A When it is shared with counsel?

14 Q No. From here?

15 A When a member picks it up?

16 Q Yes.

17 A They have to sign a receipt.

18 Q Is a copy of that receipt left with
19 your -- with the case on file with you or at least in
20 your possession until you turn it over to Labor
21 Relations?

22 A The member is supposed to hold onto that.

23 Q So do you have any cases right now, right
24 now, not old cases, in the last month or two, let's go
25 back to the summer of 2012, this time period, can you

1 identify any case that you're still sitting on that
2 doesn't have -- that hasn't been adjudicated where a
3 receipt shows that a member from OPS released these
4 with that particular investigation? Do you have
5 anything like that on file right now that we can see
6 and verify?

7 A I don't know. I don't know.

8 EXAMINATION

9 BY MR. QUINOA:

10

11 Q Trooper Burgos, you stated that many --
12 you stated earlier that you reviewed the discovery
13 that's given to a member; is that correct? You review
14 that discovery you stated that for the record?

15 A I try to. Yes.

16 Q You try to. And you're familiar with the
17 Supervisory Internal Investigation Review Sheets and
18 you're stating that on many cases that is part of the
19 discovery that's given to your member; is that correct?

20 A From what I have seen in the past. Yes.

21 Q So when you routinely are reviewing these
22 discovery sheets, have you ever made a request where
23 there wasn't a discovery sheet, a review sheet in the
24 discovery where you have told the attorney or the
25 member or advised OPS the review supervisory sheet has

1 now been included as part of the discovery, have you
2 ever made that request?

3 A Sure we have. We would request for this the
4 allegations and conclusions and other correspondence
5 regarding the discovery.

6 Q So you're stating for the record that you
7 specifically have requested through either OPS or
8 through one of your attorneys to request this
9 particular document, the review sheets, that were now
10 given in discovery on prior cases, you specifically
11 made that, on any member where you saw that there was
12 no review sheets included in the discovery?

13 A Any and all documents.

14 Q Any and all documents, I'm talking
15 specifically about this document. You reviewed the
16 documents. You know what you're getting. You
17 specifically stated that on many cases this document is
18 included in discovery. When you reviewed the
19 discovery, that document is not included in that
20 package, have you made a request to OPS or through
21 attorneys specifically asking for this particular
22 document?

23 A I would say yes. Review sheets, allegations,
24 conclusions, notes. Things of that nature.

25 Q Thank you. And the review sheets and

1 stuff you have requested it specifically for this
2 particular document? I just want to be clear on the
3 record. This is a document that you've described that
4 you received which is called, if I can see the
5 document --

6 MR. HARKNESS: Sure.

7 BY MR. QUINOA:

8
9 Q The New Jersey State Police Internal
10 Investigation Review Sheet. You specifically have
11 looked for that in the discovery package, you noticed
12 it is not in the discovery package in other cases and
13 you specifically requested that particular document
14 from State Police because it was not included in the
15 discovery package? That's a specific document, not any
16 document, not any and all documents?

17 A I leave that to association counsel to make
18 those requests.

19 Q Well, you said that you have reviewed
20 discovery packages, you're familiar with discovery
21 packages. You said on many cases, and you refused to
22 give a number, but on many cases that has been part of
23 the discovery package that particular document. So as
24 you're reviewing these, you notice that that is not
25 included in a particular discovery package, have you

1 asked anyone at OPS or advised counsel, hey, they did
2 not include the review sheets?

3 A Yes.

4 Q Okay. And you have done that on many
5 cases?

6 A I do that on every case.

7 Q Where you specifically asked for the
8 review sheets when they are not included?

9 A Through my confidential discussions with
10 counsel, that is correct. Full discovery.

11 Q I understand full discovery. Specific
12 documents. I understand what you said. I don't think
13 there is any need for more clarification. You're
14 stating that the review sheets that have not been
15 included in prior discoveries you have made a request
16 through legal counsel or perhaps on your own to get OPS
17 to provide that particular document in discovery in
18 prior cases?

19 A I just answered the question.

20 Q Can you answer it one more time.

21 A Yes.

22 MR. QUINOA: Thank you.

23 MR. HARKNESS: That's all you have, sir?

24 MR. QUINOA: That's all I have, sir.

25 MR. HARKNESS: Mr. Bukosky, is there

1 anything you would like to add or any questions you
2 would like clarified or anything at this time?

3 MR. BUKOSKY: No. Other than it's clear
4 to me that all the questions that were asked today only
5 pertain to our internal union affairs. It has nothing
6 whatsoever to do with your investigation of whatever
7 document that you're concerned about. As indicated,
8 this is a routine discovery document. Why we are
9 having an investigation over routine discovery
10 documents, I don't know, but it's clear to me it has
11 nothing whatsoever to do with the performance of
12 Officer Burgos' duties and responsibilities and the
13 questions were not narrowly directed to his performance
14 of his duties. They were solely related to his union
15 duties. My continuing objection, you know, because of
16 a variety of reasons to this whole investigation, it
17 violates the Internal Affairs policies and procedures
18 of the Attorney General's guidelines, Section 11-43.
19 It violates the attorney-client privilege. It violates
20 the First Amendment on the Freedom of Association.
21 And I just think this was a very inappropriate
22 investigation. Nothing further.

23 MR. QUINOA: Sir, if I may, if these are
24 routine discovery documents, they are current cases
25 that are ongoing with Mr. Burgos' office, can Mr.

1 Burgos please provide us with current cases, okay,
2 where this office, OPS, has given the review sheets as
3 part of discovery as he represents? So the number of
4 cases that he currently has in his office, we'd like
5 him to go through his discovery package, okay, and tell
6 us on which case this document, this particular
7 document has been given in discovery, current cases and
8 then we'll be able to get exactly how many are --

9 MR. BUKOSKY: No. He is not going to do
10 your secretarial work. These are documents released
11 from your office and you can go through your receipts
12 and see when the documents have been given out. He is
13 not to go routing through hundreds and hundreds of
14 files wasting his time to do research that you can do.
15 So I object to him having to do that. That's improper.

16 MR. RIZZO: If he's ordered to do so, he
17 will do so. And in addition to going through them and
18 looking for any such internal supervisory review
19 document that might have been provided, also a copy of
20 any letter from him or from an attorney representing
21 that particular trooper demanding to see that
22 Supervisory Internal Review Sheet because it wasn't
23 included in the discovery package.

24 And I might add, and contrary to what your
25 statement was, this whole investigation centers on a

1 document that is never provided in any routine document
2 discovery package to any trooper that's suffering or
3 undergoing discipline. This is unusual by 100 percent
4 and that's exactly why this investigation is being
5 conducted.

6 MR. BUKOSKY: Well, I'm indicating you
7 need to issue him a written order to go through these
8 files and we'll bring it up before Judge Sheraton
9 because we are not going to do your secretarial work.
10 You can get those documents. You maintain them and for
11 you to have him conduct your own investigation, that's
12 just not going to happen.

13 MR. RIZZO: I understand what you're
14 saying. The point is, these documents are never
15 provided. He says they are routinely and/or they are
16 demanded when they are not. He is going to get a
17 written order to produce all of that material and the
18 reason being is that it is never produced in a
19 discovery package. So you can bring it up before Judge
20 Sheraton but he's going to get a written order to that
21 effect.

22 MR. BUKOSKY: Well, you're going to have
23 to talk to your own agencies because they apparently
24 destroyed all these documents so I don't know where you
25 think they are going --

1 MR. RIZZO: Well, Mr. Quinoa specified
2 active cases that are currently with the union that
3 have not been adjudicated so they haven't been
4 destroyed. They are sitting in his office. That's
5 what he said.

6 MR. BUKOSKY: If there are any.

7 MR. RIZZO: He says they are.

8 MR. BUKOSKY: No. He did not say that.
9 He said there are many cases and they may or may not
10 be --

11 MR. RIZZO: All of the ones that are
12 sitting there unadjudicated right now, if that document
13 exists, that internal review document and/or its been
14 demanded because it wasn't in there, he is going to get
15 an order to produce that material.

16 MR. BUKOSKY: Send the order.

17 MR. RIZZO: Okay.

18 MR. HARKNESS: Anything else from anybody?
19 Trooper Burgos, anything else?

20 MR. BURGOS: No.

21 EXAMINATION

22 BY MR. HARKNESS:

23

24 Q Sir, has this statement been the truth to
25 the best of your knowledge?

1 A Yes.

2 Q Is there anything regarding this
3 investigation that I have not asked you that you feel I
4 should have?

5 A No.

6 Q Is there anything that you would like to
7 add to your statement at this time?

8 A As I told the Chief of Staff and the Colonel's
9 Office, this is a witch hunt for obvious trying to
10 cover tracks for Star Ledger news stories that have
11 obviously caused some problems within the State of New
12 Jersey's Law and Public Safety and they are looking for
13 a scapegoat and that apparently is me.

14 Q So you did have this conversation with
15 somebody in the Chief of Staff's Office about this?

16 A Yes. I spoke to the Chief of Staff.

17 Q And what was the contents of that
18 conversation just for the record? Because I asked you
19 about this earlier. I asked you if you had any
20 conversations about this particular matter with anybody
21 in the State Police.

22 A I'm sorry. I didn't recall at that time.

23 EXAMINATION

24 BY MR. QUINOA:

25 Q Can you identify the Chief of Staff just

1 for the record.

2 A Patricia Littles. I don't recall what rank she
3 is right now. Major I think. It goes back to
4 November 20th, 2012. On or about that date I received
5 numerous requests for Weingarten representatives for my
6 members and I inquired as to why we have -- I have six
7 members calling for reps and they need to talk to these
8 members as soon as possible and trying to coordinate
9 reps was a priority. We don't want to delay
10 investigations. And I reached out to the Chief of
11 Staff about it and I actually tried to reach out to the
12 Colonel. He was not taking my call. I got a response
13 back from Chief of Staff Littles. Is it important. I
14 said, yes, it's important and I advised her that I
15 believe that I was the target of an investigation
16 regarding leaks and if it was regarding anything
17 regarding the Wambold-Juckett case, that obviously they
18 are looking for a scapegoat and this witch hunt is
19 targeting me. And that conversation was had on or
20 about November 20th. I expressed my dismay that I had
21 not received any return call or discussion with the
22 Colonel on this and I haven't had any discussions with
23 them since then.

24 EXAMINATION

25 BY MR. HARKNESS:

1 Q And what was the content of the
2 conversation?

3 A With the Chief of Staff?

4 Q Exactly. What was the content of the
5 conversation?

6 A I said Lieutenant Dan Fisher's screw up has
7 caused a backlash against the association, myself and
8 my members.

9 Q What did you identify as the screw up?

10 A The discovery regarding the Juckett case.

11 Q So you identified to her that you had, in
12 fact, that review sheet in your possession?

13 A I said that I believe that this is in regard to
14 the Wambold-Juckett case. If that's the case, if that
15 is the fact, that it's a witch hunt and I am being
16 scapegoated.

17 Q Again, I'm trying to clarify here whether
18 she knew that you had those review sheets in your
19 possession and -- that's the first part of my question.
20 Did she know you had them in your possession during
21 that conversation on November 20th?

22 A I don't know if she acknowledged that or not.

23 Q Did you tell her?

24 A I made clear that it was regarding discovery.

25 Q You told her that you had them in your

1 possession?

2 A This is November?

3 Q Right. November 20th. What did she say
4 about that?

5 A That she would relate my concerns to the
6 Colonel.

7 Q Did you -- was she aware of the review
8 sheets? I guess we can start there. Was she aware of
9 the content of those review sheets?

10 A I don't know.

11 Q Did you tell her the content of the review
12 sheets?

13 A I said it was discovery regarding
14 Wambold-Juckett.

15 Q Did you tell her the content of the review
16 sheets meaning did you tell the Chief of Staff that the
17 review went through and the findings as to whoever the
18 findings were associated with, whatever person made
19 those findings, did you have that discussion with her?

20 A No.

21 Q Did you tell her what you were going to do
22 or what you did with the documents?

23 A No.

24 EXAMINATION

25 BY MR. QUINOA:

1 Q Trooper Burgos, if these documents -- you
2 stated numerous times that these documents were
3 routinely given out in discovery, the review sheets
4 were routinely given out in discovery, correct? Why do
5 you consider Lieutenant Fisher's forwarding these
6 review sheets as a screw up? If they were routinely
7 given in discovery, why would you consider Lieutenant
8 Fisher giving those documents as a screw up? It
9 doesn't make sense.

10 A That he sent it to the wrong attorney.

11 Q So you're saying he sent it to the wrong
12 attorney is a screw up? You're entitled to the
13 discovery you're saying?

14 A Right.

15 Q That you received this on all your
16 discovery packages or many of your discovery packages,
17 you receive this document. So therefore if he sent it
18 to a different attorney, I don't see how you can say
19 that's a screw up?

20 A If he sent it to the proper attorney, I would
21 never have seen these documents. They would not have
22 been forwarded to me. They would have been sent to
23 appropriate counsel.

24 Q So you think there is a scapegoat because
25 the focus here is that Lieutenant Fisher sent this

1 routine package that you're claiming is in regular
2 routine packages that was forwarded to another
3 attorney, that is a major coverup or screw up that the
4 Office of State Police, Office of Professional
5 Standards is trying to coverup that a discovery -- that
6 a document was sent to a different attorney if the
7 document is routinely given in any matter?

8 A No. That wasn't my point is that because of
9 what Dan Fisher did, I have to answer to why he sent it
10 to the wrong counsel rather than the appropriate
11 counsel and the Star Ledger writes a story and all
12 these things start going on, that's what I am talking
13 about. That's what everyone doesn't want to talk about
14 is that the media is driving all these issues and I'm
15 the appropriate scapegoat here because the truth hurts
16 sometimes.

17 Q I don't want to beat this, but I just want
18 to make sure. You're saying that the fact that
19 Lieutenant Fisher sent this discovery document that you
20 say you received many times, okay, that he sent it to a
21 different attorney, you're saying that that's the focus
22 of this investigation why this particular document was
23 sent to an attorney that was not representing, that's
24 the screw up, that's what they are trying to find out
25 why he sent it to the wrong attorney?

1 A I can't answer that question.

2 Q Well, you're saying it's a screw up. Is
3 that the screw up you're talking about that --

4 A That was my --

5 Q What is the Office of Professional
6 Standards trying to cover up that you're saying in your
7 words or trying to put the blame on you? Exactly what
8 are they trying to put the blame on you on exactly?

9 A That the Ballis (ph) litigant, the
10 Wambold-Juckett case their counsel put things on the
11 record and it's embarrassing to the State and this
12 discovery is crucial to our member's defense and now
13 it's all -- its come to the point where because this
14 proper discovery was provided, it puts the State on its
15 heels so now it's our fault. It's my fault. It's my
16 attorney's fault that the State is in this position of
17 having to explain themselves why for years nothing was
18 done and then minds were changed on the day the Star
19 Ledger article comes out. That's my concern. And in
20 my eyes as the President, I have to properly represent
21 my members and I'm not going to be bullied for whatever
22 reason to just try to roll over and let things happen.
23 I'm going to do the right thing for my members. Proper
24 discovery. This is what we do.

25 MR. QUINOA: Thank you.

1 MR. HARKNESS: Anything else?

2 MR. RIZZO: I have nothing.

3 MR. HARKNESS: Sir?

4 MR. BUKOSKY: Nothing.

5 EXAMINATION

6 BY MR. HARKNESS:

7

8 Q Trooper Burgos, anything else to add?

9 A No.

10 Q Have you been treated fairly and with
11 respect here today?

12 A I will reserve my answer for a later time.

13 Q At this time I am preparing to end your
14 recorded statement. I can turn off the recorder and
15 allow you and your attorney to review the statement if
16 you so desire. Sir, would you like to do that, review
17 your statement?

18 MR. BUKOSKY: No. But if there is some
19 mistake, we'll review the transcript and we'll let you
20 know.

21 MR. HARKNESS: Very good. Anything else?

22 MR. RIZZO: No.

23 MR. QUINOA: No. Thank you.

24 BY MR. HARKNESS:

25 Q I will request that you not discuss

1 anything regarding this investigation with anyone so as
2 not to compromise the integrity of the investigation.
3 Sir, do you understand this?


4 A Yes.

5 MR. HARKNESS: The tape recorded statement
6 of Trooper I Christopher Burgos is now complete. The
7 time is 12:07 p.m., February 26th, 2013. Thank
8 you.

9 (At which time, the proceeding concluded.)
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C E R T I F I C A T E

I, GINA BIALAS, Certified Court Reporter and
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